



# **How to Read the Constitution--and Why**

*Kimberly Wehle*

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
**How to Read the Constitution--and Why** Kimberly Wehle

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352 pages , Published May 7th 2019 by Harper Perennial

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## **Jean says**

I think Wehle must use this book for her classes. Wehle goes through the Constitution explaining the meaning or at least what the Supreme Court has ruled. The author also covers laws, etc., that are based on common values, morals and so forth.

The book is well written and easy to understand. The author covers items from Washington to Trump. She also reveals how dictators take over when the voters and legislators fail to act. This is a good review and provides some insight on how to understand what the Constitution does and does not say.

I read this as an e-book downloaded from Amazon to my Kindle app for my iPad. The book is 353 pages and was published on June 25, 2019.

## **HR-ML says**

The author was a law professor. Enjoyed her insights & examples. She highlighted important aspects of the US Constitution.

She discussed federal balance of power in legislative, executive, and judicial branches and how they keep each other in check. She noted Congress makes law, as does the President via Executive Orders (EOs). Federal judges may review EOs & accept or invalidate them. Federal courts including the Supreme Court (SC) tend to make decisions based on case law IE when another court set a precedent. Or the SC may create a precedent. So much for the SC claim they never legislate! Their decisions directly impact how laws are carried out. Federal agencies like FTC, FCC, also make regulations/ laws.

Executive Orders begin with the President, and must be approved by the (federal) Office of Mgt & Budget and the US Attorney General. The author explained the Emancipation Proclamation (EP) became law by President Lincoln's Executive Order. Unfortunately the EP was mostly ignored by Southern states after Lincoln's assassination.

The author offered several myths RE the 2nd amendment and gun ownership in the US. She noted some of the wording in the Consitution was vague possibly by design IE cruel and unusual punishment. She added that there are protections for citizens & undocumented immigrants via equal protection under the law, due process, habeas corpus, & other means.

The author explained legal concepts w/o insulting the

intelligence of her readers. I would need to re-read this to ensure I missed none of the points she made. A fascinating read for policy wonks or curious readers.

### **Ryan Boissonneault says**

A 2017 poll from the University of Pennsylvania's Annenberg Public Policy Center essentially found that many (or most) Americans know next to nothing about the US Constitution. Two shocking examples should suffice to get the point across:

1. 37 percent of those surveyed could not name **ANY** rights protected under the **First** Amendment.
2. Only 26 percent of those surveyed could name all three branches of government, while 33 percent could not name a single branch!!

It is against this backdrop of utter ignorance that *How to Read the Constitution And Why* by Kim Wehle is so important. Wehle, a law professor and constitutional scholar, seeks to remedy a deep irony in American politics: that the Constitution is useless if not enforced, but that it can't be enforced if the people it grants power to ("We the People") do not know anything about what it says.

We can't hold our elected representatives accountable to a document we don't understand, and if it gets violated, or ultimately replaced, we really have no one to blame but ourselves for tolerating the transgressions. Democracy simply can't work if it remains the case that 33 percent of the voting population can't name a branch of government.

The first step to repairing democracy, then, is probably educational, and, of course, it is the responsibility of every citizen to understand, at a minimum, the basic contents of their country's founding document. Of course, that requires that one actually reads the Constitution itself, and you should, because it's only only 7,591 words including the 27 amendments (that's only about 16 pages, so there's really no excuse). But to *truly* understand constitutional issues requires something more than a quick reading of the text.

Why? Because again, the document is only about 16 pages long, written 230 years ago, when the US population was 3.9 million (versus 327 million today), in an agrarian economy without advanced technology and 100 years before the discovery of the germ theory of disease. That is to say, things were very different back then, and on top of that, the text is loaded with ambiguous language and missing details. To really understand constitutional issues requires both a familiarity with the Constitution *and* with the history of important Supreme Court decisions, general US history, and the underlying political philosophy and legal theory.

But that is probably a tall order for most, which is why *How to Read the Constitution and Why* provides an ideal shortcut to constitutional fluency without needing to become a legal scholar, historian, or political philosopher.

The organization of the book is easy to follow: the first section covers the structure of government, including the concepts of the separation of powers and checks and balances and the functions of all three branches of government (which will apparently come as news to 33 percent of the country). The second section covers individual rights protected under the constitutional Amendments, and the third section covers elections, the legislative process, and why we should care if the Constitution gets violated and democracy suffers.

Wehle covers the constitutional text, the relevant Supreme Court cases, and the underlying philosophical and legal complexities in an objective and informative manner. The book also includes the full text of the

Constitution itself, so as a stand-alone guide, this book is perfect both for those who can't name a single branch of government as well as for those wanting to dive deeper into the complexities of the law.

Two important themes found throughout the book are worth repeating: 1) any constitutional violations set precedent for future violations, and 2) the "strict reading" of the Constitution is a myth.

First, regarding violations, people tend to be quite short-sighted. You may not mind if the leader you like violates the Constitution according to politics you agree with, but the problem is, once power is granted, it's hard to put back in the bag. So the next time a leader comes to power that you don't like, he or she will use the established mechanisms to implement policies that run counter to your beliefs. This spells disaster in the long run for everyone.

Protecting the Constitution is therefore not exclusive to one political party or ideology, and should be a concern of everyone. And while it is often not immediately clear if a particular action or piece of legislation in fact violates the Constitution, certain principles should be perpetually upheld. Remember that the Constitution was created in opposition to the monarchical rule of King George III, so any increase in the power of the president, especially in the creation of new laws, should draw an immediate red flag.

Second, to show how the strict reading of the Constitution is a myth, let's take the non-controversial example of the Second Amendment, which reads:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

One thing we can say is that no one really knows what the fuck this means. This is the entirety of the Second Amendment, with no further elaboration in the Constitution as to the precise meaning of the term "arms" or with any further elaboration on intent, justification, or limitation.

There are consequently at least two primary *interpretations* to this amendment:

1. That there are two rights being granted, 1) the right for states to form a well regulated Militia, and 2) the right of the people to keep and bear arms. In other words, the right to keep and bear arms is **not** out of necessity connected to the establishment of a Militia.
2. That the right being granted is the right to form a Militia, and that the right to keep and bear arms applies only within the context of the Militia. (The Second Amendment, if written like the First Amendment, could have just stated that Congress shall pass no laws infringing on the right of the people to keep and bear arms, without mentioning the Militia, if that was the true intention.)

Nonetheless, judges must choose one of these competing interpretations, but either way, it's an interpretation that is most certainly not spelled out in the Constitution. Further, a true "originalist" interpretation of the term "arms" would not include any firearm that was not in existence on or before 1787 (basically anything other than muskets).

And so every judge must select a general interpretation including decisions on the precise meanings of terms and phrases, and therefore the distinction between "originalist" and "activist" judges is largely a false dichotomy. More important is having a clear rationale for a ruling than to pretend to know the original intentions of the framers, especially when some of the intentions are worth overturning (the condoning of slavery, as one example).

This is all to say that constitutional law is complicated, a balancing act between original intentions and modifications to reflect new realities, but it doesn't help to hide behind an originalist position that is usually

just justification to pursue a conservative ideology without having to spell out the rationale.

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If you take away anything from the book, as Wehle stated, it should be that the Constitution is worthless if not enforced. And it's certainly worth enforcing, because if it's replaced, we can all be reasonably sure that it will be replaced with something far inferior.

## **From Reader Review How to Read the Constitution--and Why for online ebook**

### **From reader reviews:**

#### **Robert Penrose:**

The publication with title How to Read the Constitution--and Why possesses a lot of information that you can find out it. You can get a lot of gain after read this book. This book exist new understanding the information that exist in this e-book represented the condition of the world currently. That is important to yo7u to understand how the improvement of the world. This kind of book will bring you within new era of the the positive effect. You can read the e-book on the smart phone, so you can read this anywhere you want.

#### **Virginia Glass:**

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#### **Donna Casey:**

In this particular era which is the greater person or who has ability to do something more are more special than other. Do you want to become one of it? It is just simple way to have that. What you need to do is just spending your time almost no but quite enough to experience a look at some books. One of many books in the top record in your reading list is actually How to Read the Constitution--and Why. This book which can be qualified as The Hungry Inclines can get you closer in turning into precious person. By looking up and review this guide you can get many advantages.

#### **Frank Botelho:**

As a scholar exactly feel bored in order to reading. If their teacher expected them to go to the library or even make summary for some e-book, they are complained. Just little students that has reading's internal or real their interest. They just do what the trainer want, like asked to go to the library. They go to at this time there

but nothing reading significantly. Any students feel that reading is not important, boring as well as can't see colorful photos on there. Yeah, it is to get complicated. Book is very important to suit your needs. As we know that on this time, many ways to get whatever we really wish for. Likewise word says, many ways to reach Chinese's country. Therefore this How to Read the Constitution--and Why can make you experience more interested to read.

**[HBQR]? How to Read the Constitution--and Why Kimberly Wehle YATH9KUNOD7**